

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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Ely Gemborys, *on behalf of himself and all  
others similarly situated*,

Plaintiff,

v.

Cenlar Agency, Inc.,

Defendant.

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Civil Action No.: 4:20-cv-40006-TSH

**MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Ely Gemborys (“Plaintiff”) respectfully moves for entry of an Order granting preliminary approval of the Class Action Settlement Agreement between Plaintiff and Defendant Cenlar Agency, Inc.

Plaintiff requests that the Court (i) conditionally certify the Settlement Class for purposes of settlement, (ii) appoint Plaintiff as the Settlement Class Representative; (iii) appoint Sergei Lemberg and Stephen F. Taylor of Lemberg Law, LLC, as Class Counsel; (iv) preliminarily approve the terms of the Settlement Agreement; (v) approve the form, content and method of delivering notice to the Settlement Class as set out in the Settlement Agreement as “the best notice that is practicable under the circumstances” (Fed. R. Civ. P. 23(c)(2)(B)); and (vi) schedule a final approval hearing in accordance with the deadlines proposed in the Settlement Agreement.

In support, Plaintiff submits the accompanying Memorandum of Law in Support of Motion to Preliminary Approve Class Action Settlement, the Settlement Agreement and its exhibits (A-E)<sup>1</sup>, and the Declarations of proposed Class Counsel Sergei Lemberg and Stephen F. Taylor.

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<sup>1</sup> At the time of filing, the Parties were unable to collect all the signatures to the Settlement Agreement. Plaintiff will separately lodge an executed version of the agreement.

For the reasons set forth in the accompanying memorandum, Plaintiff requests that the Court enter the Preliminary Approval Order in the form attached as Exhibit C to the Settlement Agreement and submitted herewith as Exhibit A to this motion.

Respectfully Submitted,

Dated: December 9, 2020

/s/ Stephen Taylor

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Sergei Lemberg  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2020, I served a true and accurate copy of the foregoing to counsel of record through the Court's CM/ECF system which sent notice of such filing to all counsel of record.

/s/ Stephen Taylor  
Stephen Taylor